



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

271 Cadman Plaza East

Brooklyn, New York 11201

AAS:MJJ

F. #2013R00958

April 26, 2015

By ECF

The Honorable Roslynn R. Mauskopf
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Choudry Khalil
Criminal Docket 13-386 (S-3) (RRM)

Dear Judge Mauskopf:

The government respectfully responds to the Court's Order dated April 25, 2015 directing the parties to address any Appendi issues associated with Counts Six and Eight of the Superseding Indictment.

The government agrees that the jury must find, upon any determination of guilt, that the offense alleged in Count Six involved "a false identification document that is or appears to be . . . a driver's license," so that the enhanced statutory maximum penalty of 15 years may apply. 18 U.S.C. § 1028(b)(1)(A)(ii). In contrast, with respect to Count Eight, which specifically alleges the transfer of a fraudulent driver's license, the Superseding Indictment does not reference the 15-year penalty provision. Accordingly, the base penalty

of 5 years applies to any determination of guilt, and it is unnecessary for the jury to make any Appendi findings with respect to this count. As directed by the Court, a revised verdict sheet and revised jury instructions are attached hereto.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

By: /s/
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Enclosures

cc: Clerk of Court (RRM) (by ECF)
Gerald J. McMahon, Esq. (by ECF)